

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF United States of America	COURT CASE NUMBER CR-11-0254 (JFB)
DEFENDANT DERICK PHANORD	TYPE OF PROCESS STIPULATION & ORDER
SERVE → AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN U.S. MARSHALS SERVICE 225 CADMAN PLAZA, ROM G-20, BROOKLYN, N.Y. 11201 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285
LORETTA E. LYNCH, United States Attorney Eastern District of New York 610 Federal Plaza, 5th Floor Central Islip, N.Y. 11722 Attn : Brian Gappa	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please execute the Stipulation and Order, authorizing the USMS to dispose the 2001 Volkswagen, VIN 9BWDD61J714040740. Please deposit the proceeds into the seized asset forfeiture fund, pending further order of the Court.

11-DEA-556717

Signature of Attorney or other Originator requesting service on behalf of: <i>Brian Gappa</i> for AUSA Laura Mantell	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (631) 715-7881	DATE January 18, 2012
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. <u>53</u>	District to Serve No. <u>53</u>	Signature of Authorized USMS Deputy or Clerk <i>Michael D. Conley</i>	Date <u>01/23/12</u>
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I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only if different than shown above)

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service Jan/12 Time am

pm

Signature of U.S. Marshal or Deputy
Michael D. Conley

Service Fee <u>550</u>	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges <u>550</u>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: *Property seized on April 20, 2012 for \$2,500.00 and funds deposited into Asset Forfeiture fund account on 4/20/2012*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA,

- against -

DERICK PHANORD,

Cr. No. 11-0254

(Bianco, J.)

Defendant.

STIPULATION AND ORDER

WHEREAS, on September 27, 2011, this Court entered a Preliminary Order of Forfeiture (the "Preliminary Order"), wherein Defendant Derick Phanord ("Phanord") agreed to the forfeiture of One 2001 Volkswagen, VIN 9BWDD61J714040740, New York Registration FGT 7355 (the "Forfeited Vehicle"), as property, real or personal, that was derived from proceeds traceable to a conspiracy to commit robbery in violation of 18 U.S.C. § 1951 and/or involved in a violation of 18 U.S.C. § 1956, and/or as substitute assets, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p).

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED,

1. The U.S. Marshals Service shall conduct a sale of the Forfeited Vehicle in accordance with all laws and applicable regulations.

2. The net proceeds of the sale will be deposited into an interest bearing escrow account maintained by the U.S. Marshals

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US MARSHAL'S OFFICE

RECEIVED

Service and substituted as the Forfeited Vehicle pending a final judgment in this case.

3. "Net proceeds," as used above, is defined as the gross proceeds of the sale less: (a) all costs incurred by the U.S. Marshals Service in connection with the maintenance, marketing and sale of the Forfeited Vehicle, and (b) less any amounts owed based upon the lien report that have been filed against the Forfeited Vehicle.

4. This agreement is intended solely to permit a sale of the Forfeited Vehicle and to permit the net proceeds to remain in the custody of the U.S. Marshals Service, pending a final judgment in this action. Upon entry of a final judgment, the monies in the above described account shall be disbursed pursuant to the terms of the judgment.

5. The Court shall retain jurisdiction over this action to effectuate the terms of this Stipulation of Order.

6. The Clerk of the Court shall forward five (5) certified copies of this Stipulation of Order to the United States Attorney's Office, 610 Federal Plaza, Central Islip, New

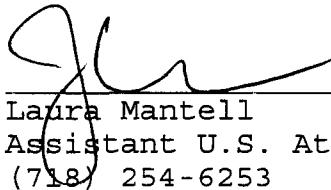
-3-

York 11722, Attn: Brian Gappa, FSA Asset Forfeiture Paralegal.

Dated: Central Islip, New York
January 10, 2012

LORETTA E. LYNCH
UNITED STATES ATTORNEY
Eastern District of New York
610 Federal Plaza, 5th Fl.
Central Islip, New York 11722

By:

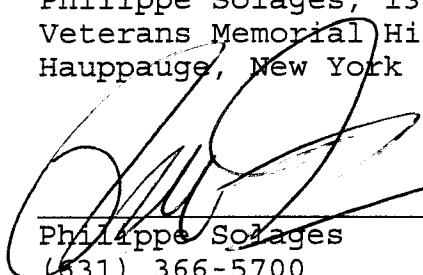

Laura Mantell
Assistant U.S. Attorney
(718) 254-6253


JAMES H. WAPP, ASST
for L. MANTELL, NYA

Dated: Hauppauge, New York
January , 2012

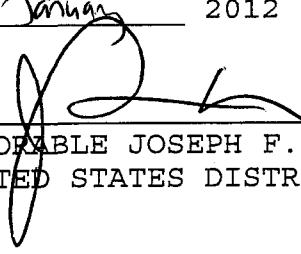
Philippe Solages, 1300
Veterans Memorial Highway
Hauppauge, New York 11788

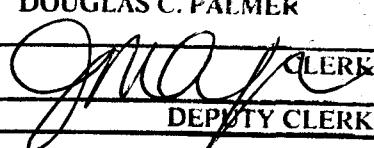
By:


Philippe Solages
(631) 366-5700

Derick Phanord
Owner of Vehicle
156 Cocoanut Street
Brentwood, New York

SO ORDERED this 18th day
of January 2012


HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

A TRUE COPY	
ATTEST	
DATE	<u>1/18/12</u> 20 <u>12</u>
DOUGLAS C. PALMER	
BY	 CLERK
DEPUTY CLERK	